

Introduced by Senator Strickland

February 19, 2010

An act to add Section 23647.5 to the Vehicle Code, relating to driving under the influence.

LEGISLATIVE COUNSEL'S DIGEST

SB 1286, as introduced, Strickland. Driving under the influence: transdermal alcohol monitoring.

Existing law penalizes driving under the influence, as specified.

This bill would encourage any county that is using a continuous alcohol monitoring system, as defined, to monitor alcohol-related driving by persons convicted of driving under the influence to report specified information to the Department of Motor Vehicles, and would require any information provided to be included in the department's Annual Report of the California DUI Management System.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 23647.5 is added to the Vehicle Code,
- 2 to read:
- 3 23647.5. (a) Any county that is using a transdermal monitoring
- 4 bracelet or anklet under a continuous alcohol monitoring system
- 5 to monitor alcohol-related driving by persons convicted of driving
- 6 under the influence is encouraged to report the following
- 7 information to the Department of Motor Vehicles:
- 8 (1) Who is required to be monitored under the system?

- 1 (2) How long is a person required to be monitored under the
2 system?
- 3 (3) Who pays for the person to be monitored under the system?
- 4 (4) Can the bracelet or anklet be removed by the wearer?
- 5 (5) Can a person work or go to school under the system?
- 6 (6) What has been the effect of using the system on the DUI
7 offenders?
- 8 (7) What has been the effect of using the system on the public
9 safety?
- 10 (8) What has been the overall cost of the system, in aggregate
11 and per participant, and what portion of that cost has been paid by
12 the county, the participant, and other sources?
- 13 (9) Other information requested by the department or deemed
14 significant by the county.
- 15 (b) Information received pursuant to this section shall be
16 included in the department's Annual Report of the California DUI
17 Management Information System pursuant to Section 1821.
- 18 (c) For the purposes of this section, "continuous alcohol
19 monitoring system" means a system containing the following
20 elements:
- 21 (1) Utilizes a tamper-resistant bracelet or anklet to effect a
22 noninvasive transdermal analysis of alcohol consumption by the
23 wearer.
- 24 (2) The DUI offender wears the bracelet around his or her ankle
25 at all times to detect alcohol consumption.
- 26 (3) The bracelet or anklet tests the DUI offender's sweat for
27 alcohol at least once per hour.
- 28 (4) The bracelet or anklet wirelessly transmits the results at least
29 once per day to a county law enforcement monitoring center.